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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,598	09/30/1999	CHRISTOPHER SHANE CLAUSSEN	AT9-99-412	5606

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LAW OFFICE OF JOSEPH R BURWELL
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EXAMINER

BIENEMAN, CHARLES A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/15/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,598

Applicant(s)

CLAUSSEN ET AL.

Examiner

Charles A. Bieneman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed on June 10, 2003. Applicants are advised that none of the drawings, the Information Disclosure Statement and the substitute specification referred to in the remarks filed June 10, 2003 have been received by the Office and entered into the file wrapper.

2. Claims 1-7 and 9-22 are pending. Claims 1, 11, 17, and 22 are independent claims.

Specification

3. The specification is objected to because it contains a copyright notice that does not conform with 37 CFR 1.71, which provides in relevant part:

(d) A copyright or mask work notice may be placed in a design or utility patent application adjacent to copyright and mask work material contained therein. The notice may appear at any appropriate portion of the patent application disclosure. For notices in drawings, see § 1.84(s). The content of the notice must be limited to only those elements provided for by law. For example, "©1983 John Doe" (17 U.S.C. 401) and "*M* John Doe" (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively. Inclusion of a copyright or mask work notice will be permitted only if the authorization language set forth in paragraph (e) of this section is included at the beginning (preferably as the first paragraph) of the specification.

(e) The authorization shall read as follows:

A portion of the disclosure of this patent document contains material which is subject to (copyright or mask work) protection. The (copyright or mask work) owner has no objection to the facsimile reproduction by any- one of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all (copyright or mask work) rights whatsoever.

Appropriate correction is required.

4. The use of the trademark "JAVA" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

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5. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the specification and claims are single-spaced in some places and are replete with typographical errors, most often the omission of a space between words and/or numbers.

6. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-3, 6-7, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Antone Gonsalves, "Lutris Server Divides Duties," printed from www.zdnet.com/zdnn, posted July 11, 1999, in view of Peligri-Lopart et al., *JavaServer Pages™ Specification*, Version 1.1 – Public Release, August 18, 1999, both provided by applicants in their Information Disclosure Statement filed September 24, 2002. With respect to the rejection of each dependent claim below, the preceding rejection(s) of the relevant base claim(s) is incorporated therein.

Regarding **independent claim 1**, Gonsalves teaches processing a given file into XML-compliant code inasmuch as he states that the Lutris compiler converts HTML to XML.

(Gonsalves, lines 25-26.)

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Further, Gonsalves teaches translating the XML compliant code into an object model representation. (Gonsalves, lines 26-27: “The conversion of XML to Java is based on the Document Object Model specification of the World Wide Web Consortium.”) Gonsalves does not teach that the object model representation has at least one custom tag. However, Peligri-Lopart et al. teach use of custom tags in lines 1-2 of page 86, and further provided motivation to do so by explaining in lines 4-6 that custom tags can be used to easily provide information to authoring tools. Therefore, it would have been obvious to one of ordinary skill in the art to have extended the teaching of Gonsalves to translate the XML compliant code into an object model representation having at least one custom tag.

Further, Gonsalves teaches processing the object model representation to generate executable code inasmuch as Gonsalves teaches conversion of XML to Java. (Gonsalves, lines 26-27, quoted above.)

Further, Gonsalves teaches invoking the executable code to generate a web page inasmuch as Gonsalves teaches in lines 1-2 a “new Java/XML application server technology” and further teaches in lines 28-29 that “[t]he Java class, which is invoked by the business logic written by the developer, is packaged in a JAR file, which can be run on Enhydra or another Java application server.”

Further, Gonsalves does not teach registering a set of custom tags in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. However, Peligri-Lopart et al. on page 86 describes tag libraries with one or more elements defining custom tags, and the examples in Appendix A (see pages 124-126) clearly teach

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elements defining custom tags containing attributes for tag handlers that process custom tags. Further, Peligri-Lopart et al. teach registering custom tags in a tag library inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a “tag library” and further teach that the tags are identified with a “taglib” directive. Moreover, Peligri-Lopart et al. would have provided one of ordinary skill in the art with motivation to implement its teaching by explaining on page 86 that custom tags abstract functionality and enable “a more natural expression of that functionality within JSP pages.” Also, the benefits of centrally maintained, reusable components were well known in the art at the time of applicants’ claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to implement a tag library registering a set of custom tags in a tag wherein the tag library tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag.

Regarding **dependent claim 2**, Gonsalves does not teach parsing the object model representation to identify a custom tag. However, it would have been obvious to one of ordinary skill in the art to parse the object model representation to identify a custom tag in view of Peligri-Lopart et al. because one of ordinary skill would have recognized that a custom tag would not have been useful as discussed above regarding claim 1 unless the document object model was parsed to identify it.

Further, Gonsalves does not teach upon identifying a custom tag, invoking a handler that converts the custom tag into a given representation. However, Peligri-Lopart et al. teach custom tag handlers in line 1 of Section 5.1.2 on page 87 and also teach converting the custom tag into a given representation in lines 8-9 on page 89 inasmuch as they state that “[a] custom tag may

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create some server-side objects and make them available to the scripting elements by creating or updating some scripting variables to refer to these scripts.” Moreover, one of ordinary skill in the art would have been motivated to invoke such a custom tag handler by the benefits of custom tags discussed above regarding claim 1. Therefore, it would have been obvious to one of ordinary skill in the art to invoke a handler that converts the custom tag into a given representation.

Regarding **dependent claim 3**, Gonsalves does not teach that the given representation is script code. However, Peligri-Lopart et al. teach that the given representation is script code inasmuch as they state in lines 9-10 on page 86 that custom tags “can create new objects that can then be passed to other tags or can be manipulated programmatically through a JSP scripting language.” Moreover, one of ordinary skill in the art would have been motivated to take this step because one of ordinary skill would have recognized that having script code in a web page would be useful because web pages were generally written in HTML which would have offered additional functionality with embedded scripts. Therefore, it would have been obvious to one of ordinary skill in the art to have made the given representation is script code.

Regarding **dependent claim 6**, Gonsalves inherently teaches a Java handler inasmuch as Gonsalves teaches the conversion of XML to Java as discussed above regarding claim 1. Moreover, it would have been obvious to one of ordinary skill in the art to invoke a Java handler to convert a custom tag for the reasons discussed above regarding claim 2.

Regarding **dependent claim 7**, loading a Java object and calling a process method on the Java object is inherent in invoking a Java handler for a custom tag, the obviousness of which was

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discussed above regarding claim 6, because the Java handler would have had to have been loaded to operate, and moreover it would have been invoked by a method call.

Further, it would have been obvious to one of ordinary skill in the art to replace the custom tag with the given representation for the reasons stated above regarding the recitation in claim 2 of converting a custom tag into a given representation.

Regarding **dependent claim 10**, Gonsalves teaches that the object model representation is a tree data structure inasmuch as Gonsalves teaches the Document Object Model specification of the World Wide Web Consortium as discussed above regarding claim 1.

9. **Claims 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonsalves and Peligri-Lopart et al. as applied to claim 2 above, and further in view of WorldWide Web Consortium, *Extensible StyleSheet Language (XSL) Specification*, W3C Working Draft 21 April 1999, found online at www.w3.org/TR/1999/WD-xsl-19990421/ (hereinafter *XSL Specification*).

Regarding **dependent claim 4**, Gonsalves and Peligri-Lopart et al. do not teach that the handler is a stylesheet handler. However, *XSL Specification* teaches the use of XSL stylesheets for transforming XML documents (*XSL Specification*, Abstract) and further provided motivation for one of ordinary skill in the art to use XSL stylesheets by explaining in lines 9-12 on page 10 that XSL allows page designers to express their intentions about how a document should be formatted. Therefore, it would have been obvious to one of ordinary skill in the art to make the handler a stylesheet handler.

Regarding **dependent claim 5**, Gonsalves and Peligri-Lopart et al. do not teach loading a stylesheet. However, it would have been inherent in *XSL Specification's* teaching of a stylesheet to load the stylesheet when the stylesheet handler was invoked, and this step therefore would

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have been obvious to one of ordinary skill in the art for the reasons stated above regarding dependent claim 4.

Further, Gonsalves and Peligri-Lopart et al. do not teach passing the stylesheet and the object model representation to a processor. However, *XSL Specification* teaches in lines 14-19 of that an XSL stylesheet processor accepts an XML document and a stylesheet and that the XML document is interpreted as a tree, *i.e.*, a document object model. Therefore, for the reasons stated above regarding dependent claim 4, it would have been obvious to one of ordinary skill in the art to pass the stylesheet and the object model representation to a processor.

10. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonsalves and Peligri-Lopart et al. as applied to claim 1 above, and further in view of David Wood et al., *XMLC Tutorial*, Version 1.02, 1 July 1999, found online at staff.pisoftware.com/dwood/xmlc-tutorial/.

Gonsalves and Peligri-Lopart et al. do not teach that the executable code is a servlet. However, Wood et al. teach in lines 29-31 on page 1 on the section entitled "Introduction" that the product discussed by Gonsalves uses servlets because they are much more efficient than CGI scripts, suggesting that they are efficient in general. Therefore, it would have been obvious to one of ordinary skill in the art to make the executable code a servlet.

11. **Claims 11-14, 16-19, and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Gonsalves and Peligri-Lopart et al.

Regarding **independent claim 11**, Wood et al. teach translating the XML into a document object model in the last two lines of page-2 of the Section entitled "Creating Dynamic Content". While Wood et al. do not teach that the DOM has a subset of the custom tags, this

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element would have been obvious in view of the obviousness, discussed above, of registering a set of custom tags.

Further, Wood et al. teach processing the document object model to generate a servlet in lines 29-33 on page 1 on the section entitled "Introduction".

Further, Wood et al. teach compiling the servlet into executable code on page 3 of the section entitled "Introduction" under the sub-heading "Using XMLC".

Further, Wood et al. teach invoking the executable code to generate the web page on the last line of page 7 in the Section entitled "Creating Dynamic Content". ("When the toString() method of the page class is finally called, it will create the HTML that the user will see.")

Further, Wood et al. do not teach registering a set of custom tags in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. However, Peligri-Lopart et al. on page 86 describes tag libraries with one or more elements defining custom tags, and the examples in Appendix A (see pages 124-126) clearly teach elements defining custom tags containing attributes for tag handlers that process custom tags. Further, Peligri-Lopart et al. teach registering custom tags in a tag library inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a "tag library" and further teach that the tags are identified with a "taglib" directive. Moreover, Peligri-Lopart et al. would have provided one of ordinary skill in the art with motivation to implement its teaching by explaining on page 86 that custom tags abstract functionality and enable "a more natural expression of that functionality within JSP pages." Also, the benefits of centrally maintained, reusable components were well known in the art at the time of applicants' claimed invention.

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Therefore, it would have been obvious to one of ordinary skill in the art to implement a tag library registering a set of custom tags in a tag wherein the tag library tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag.

Wood et al. do not explicitly teach processing a flat file into XML. However, as noted above regarding claim 1, Gonsalves teaches processing a flat file into XML, and teaches doing so upon a given occurrence inasmuch as Gonsalves teaches that this processing is done when a file “is run through the Lutris compiler” in line 25. Moreover, such a step would have been obvious to one of ordinary skill in the art because one of ordinary skill would have recognized that a web developer might wish to generate a Java servlet from a pre-existing HTML page.

Regarding **independent claim 17**, Wood et al. teach a computer program product in a computer-readable medium for the serving of a web page from a server inasmuch as they teach in lines 8-10 on page 1 of the section entitled “Introduction” XMLC, “a Java-based compiler that takes a document written in [HTML or XML] and creates Java classes that will faithfully recreate the document.”

Further, the rejection of claim 11 above is fully incorporated herein.

Regarding **independent claim 22**, Wood et al. disclose use of the Java application server Enhydra (Wood et al., lines 28-31 of the section entitled “Introduction”), and thus inherently teach use of a processor and an operating system.

Further, the rejection of claim 11 above is fully incorporated herein.

Regarding **dependent claim 12**, Wood et al. do not teach that the given occurrence is a first access of the web page. However, one of ordinary skill in the art would have recognized

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that it would be necessary to invoke the recited process upon a first access of the web page, and that there would be no point to expending the resources to do so prior to that time. Therefore, it would have been obvious to one of ordinary skill in the art to make the given occurrence a first access of the web page.

Regarding **dependent claim 13**, Wood et al. teach on page 3 of the Section entitled "Creating Dynamic Content" that the document object model is a tree structure inasmuch as there is displayed therein a document object model in a hierarchical tree structure.

Regarding **dependent claims 14 and 19**, Wood et al. do not teach parsing the object model representation to identify a custom tag. However, it would have been obvious to one of ordinary skill in the art to parse the object model representation to identify a custom tag in view of Peligri-Lopart et al. because one of ordinary skill would have recognized that a custom tag would not have been useful as discussed above regarding claim 1 unless the document object model was parsed to identify it.

Further, Wood et al. do not teach upon identifying a custom tag, invoking a handler that converts the custom tag into script code. However, Peligri-Lopart et al. teach custom tag handlers in line 1 of Section 5.1.2 on page 87 and also teach converting the custom tag into a given representation in lines 8-9 on page 89 inasmuch as they state that "[a] custom tag may create some server-side objects and make them available to the scripting elements by creating or updating some scripting variables to refer to these scripts." Moreover, one of ordinary skill in the art would have been motivated to invoke such a custom tag handler by the benefits of custom tags discussed above regarding claim 1. Also, one of ordinary skill in the art would have been motivated to take this step because one of ordinary skill would have recognized that having

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script code in a web page would be useful because web pages were generally written in HTML which would have offered additional functionality with embedded scripts. Therefore, it would have been obvious to one of ordinary skill in the art to invoke a handler that converts the custom tag into script code.

Regarding **dependent claims 16 and 21**, Wood et al. teach executing a Java code object on the last line of page 7 in the Section entitled “Creating Dynamic Content”, as noted above regarding claim 11.

Further, Wood et al. do not teach applying an XSL stylesheet to generate script code. However, but this step would have been obvious over Peligri-Lopart et al. as noted above regarding claim 14.

Regarding **dependent claim 18**, Wood et al. do not teach registering a superset of custom tags. However, Peligri-Lopart et al. teach such a step inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a “tag library” and further teach that the tags are identified with a “taglib” directive. The benefits of centrally maintained, reusable components were well known in the art at the time of applicants’ claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to have registered a superset of custom tags.

12. **Claims 15 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. and Peligri-Lopart et al. as applied to claim 14 above, and further in view of *XSL Specification*.

Wood et al. do not teach applying an XSL stylesheet to generate script code, but this step would have been obvious over Peligri-Lopart et al. as noted above regarding claim 16.

Further, *XSL Specification* teaches the use of XSL stylesheets for transforming XML documents (*XSL Specification*, Abstract) and further provided motivation for one of ordinary skill in the art to use XSL stylesheets by explaining in lines 9-12 on page 10 that XSL allows page designers to express their intentions about how a document should be formatted. Therefore, it would have been obvious to one of ordinary skill in the art to have applied an XSL stylesheet to generate the given script code.

Response to Arguments

13. Applicants' arguments regarding the provisional double patenting rejection of claims 1-22 (Remarks, pages 10-15) are persuasive, and accordingly this rejection has not been maintained in the present office action.

14. Regarding the rejection of claims 1-24 under 35 U.S.C. § 103(a), applicants argue (Remarks, pages 19-22) that their independent claims as amended recite the allegedly unobvious limitation of a tag library containing elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. As the present office action relies on Peligri-Lopart et al. for the teaching of this claim limitation, the examiner takes no position with respect to whether, as argued by applicants, the JSP Specification 1.0 reads on the aforementioned claim limitation.

Further, applicants concede (page 21) that Peligri-Lopart et al. "describes a specific mechanism for implementing a custom tag library" but argue that Peligri-Lopart et al. does not show "the tag handler . . . specified as an attribute in a definition of a custom tag." However, the examiner believes that the examples shown in Appendix A of Peligri-Lopart et al. show elements defining custom tags containing attributes "for a tag handler" as recited in the independent

claims. For example, on page 126 Peligri-Lopart et al. shows a "connection tag" with "id" and "ref" attributes that exist "for a tag handler" inasmuch as they would have been used by a tag handler to process an instance of the custom tag.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent 6,560,633 B1 to Roberts et al., issued May 6, 2003, filed June 10, 1999.

Stefano Mazzocchi, "eXtensible Server Pages (XSP) Layer 1" (June 11, 1999),
downloaded on July 8, 2003 from <http://xml.coverpages.org/WD-xsp-19990611.html>.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

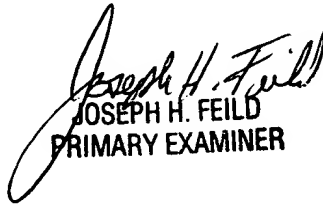
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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Bieneman whose telephone number is 703-305-8045. The examiner can normally be reached on Monday - Thursday, 6:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 703-305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

CAB
July 9, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER